

**REMARKS**

In the specification, a new paragraph reciting a "Brief Summary" has been added.

Claims 1-30 stand in this application. Reconsideration and allowance of the standing claims are respectfully requested.

Claims 1-5, 7 and 8 stand rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,745,571 (Garcken). Applicant respectfully traverses this rejection.

Claims 1-5, 7 and 8 define over Garcken. Each of these claims recite, either directly or indirectly, "a controller, monitoring incoming cable modem transmissions for decryption keys." According to the Office Action, "Garcken discloses a controller [column 1, lines 59-61]." Office Action, Page 4, Section 4. Garcken states at this cite that "[a] second fundamental weakness of DES-like systems is that the derivation of the sub-keys from the key is a fixed, linear process." Garcken fails to disclose at this cite, however, a controller of any sort. The Office Action further states that "Garcken et al discloses monitoring incoming cable modem transmissions for decryption keys" at column 17, lines 13-25. Office Action, Page 5. Garcken at column 17, lines 13-25, describes receiving data frames from a downstream RF channel at a cable system 402, and returning data to the cable system using a modem, which may be an advantage in one-way cable systems. There is no description at this cite, in any context, of a decryption key. Further, there is no description at this cite regarding security techniques of any type. It follows, *a fortiori*, that this cite fails to disclose "a controller, monitoring incoming cable modem transmissions for decryption keys" as recited in the claimed subject matter. Accordingly, removal of this rejection is respectfully requested.

Claims 9, 10 and 12-14 stand rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,838,792 (Ganeson). Applicant respectfully traverses this rejection.

Claims 9, 10 and 12-14 define over Ganeson. Each of these claims recite “monitoring an incoming cable stream for a decryption key.” Ganeson is directed to a computer system for a split key public cryptosystem. Ganeson is not directed to a cable system or cable modem. Although Ganeson mentions a “high-speed network interface, including a high-speed modem,” there is no mention that the high-speed modem is a cable modem. Ganeson, Col. 11: Lines 52-54. In fact, Ganeson states that the high-speed modem is “preferred but not mandatory,” thereby further supporting the notion that Ganeson is not directed at modems in general, or cable modems in particular. Consequently, Ganeson fails to describe “monitoring an incoming cable stream for a decryption key” as recited in the claimed subject matter. Accordingly, removal of this rejection is respectfully requested.

Claims 22-27 stand rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,363,149 B1 (Candelore). Applicant respectfully traverses this rejection.

Claims 22-27 define over Candelore. Claims 22-23 recite “storing said encryption key only when specified conditions occur.” Claims 24-27 recite “enable use of said keys only when the keys are received from the data stream in a specified way.” According to the Office action, “Candelore discloses a memory, storing the encryption key only when specified conditions occur [column 9, lines 35-48].” Candelore at column 9, lines 35-48, describes storing multiple keys, with the previous keys being used for previously stored encrypted content. There is no mention, however, of “storing the encryption key only when specified conditions occur.” In fact, Candelore is directed to

techniques for deriving past keys based on a current key to alleviate the problem of storing additional keys. Candelore, Col. 9: Lines 49-51. There is no discussion of storing multiple keys, previous keys, or the current key “only when specified conditions occur.” Accordingly, removal of this rejection is respectfully requested.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Garcken in view of USPN 6,292,899 B1 (McBride). Applicant respectfully traverses this rejection.

Claim 6 defines over Garcken and McBride, whether taken alone or in combination. Claim 6 depends from claim 1. Therefore, Applicant submits that claim 6 represents patentable subject matter over Garcken for at least the same reasons given for claim 1. McBride is directed to a system that uses an encrypted master file to store all of the passwords, security codes, and a cryptokeys that are used to safeguard the contents of a computer memory. McBride, Col. 1: Lines 6-10. McBride fails to describe a cable modem in any context. It therefore follows that McBride fails to disclose “a controller, monitoring incoming cable modem transmissions for decryption keys” as recited in the claimed subject matter. Accordingly, removal of this rejection is respectfully requested.

Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ganesan in view of USPN 6,684,198 B1 (Shimizu). Claims 15-17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ganesan in view of USPN 4,761,646 (Choquet). Claims 18-20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ganesan in view of Choquet and further in view of USPN 6,438,550 B1 (Doyle). Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ganesan in

view of Choquet and further in view of USPN 6,157,722 (Lerner). Applicant respectfully traverses this rejection.

Claims 11, 15-17, 18-20, and 21 define over Ganesan in view of Shimizu, Choquet, Doyle and Lerner, whether taken alone or in combination. Claims 11, 15-17, 18-20, and 21 all depend from independent claim 9. Therefore, Applicant submits that these claims represent patentable subject matter over Ganesan for at least the same reasons given for claim 9. Further, Shimizu, Choquet, Doyle and Lerner all fail to disclose “monitoring an incoming cable stream for a decryption key” as recited in the claimed subject matter. Accordingly, removal of the rejections is respectfully requested.

Claims 28-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Candelorein in view of McBride. Applicant respectfully traverses this rejection.

Claims 28-30 define over Candelorein and McBride, whether taken alone or in combination. Claims 28-30 depend from claim 24. Therefore, Applicant submits that these claims represent patentable subject matter over Candelorein for at least the same reasons given for claim 24. Further, McBride fails to disclose “enable use of said keys only when the keys are received from the data stream in a specified way” as recited in the claimed subject matter.

For at least the above reasons, Applicant submits that claims 1-30 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

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Response Dated August 27, 2004  
Reply to Office Action of April 27, 2004

It is believed that claims 1-30 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

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Under 37 CFR 1.34(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to:  
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8-27-04  
Date

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